



IFW

In re the Application of: **NISHIBAYASHI, Toru, et al.**

Attention: **Applications Division**

Serial Number: **10/500,141**

Group Art Unit: **3743**

Filed: **July 8, 2004**

P.T.O. Confirmation No.: 1413

For: **POWDER INHALATOR**

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: June 9, 2005

Sir:

Please supply the undersigned attorney with a corrected filing receipt for the above-identified application. The undersigned also respectfully requests that the Patent and Trademark Office records be amended to reflect the correction.

In reviewing the official Filing Receipt, we noted errors in that the **second assignee's name in the Assignment for Published Patent Application; and the foreign application information are missing and should read as - - OTSUKA TECHNO CORPORATION, AND JAPAN 2002-298726 10/11/2002, JAPAN 2003-132034 5/9/2003 - -**. Copies of the **Declaration and Assignment** are enclosed which indicate the correct information. We are enclosing a copy of the filing receipt with the corrections highlighted.

In the event that any fees are required in connection with this paper, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP

Donald W. Hanson
Attorney for Applicants
Reg. No. 27,133

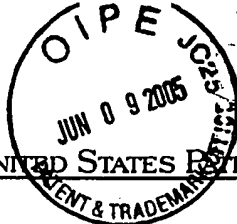
DWH/bjb
Atty. Docket No. **040243**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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PATENT TRADEMARK OFFICE

Enclosures: Official Filing Receipt; Declaration and Assignment.



UNITED STATES PATENT AND TRADEMARK OFFICE

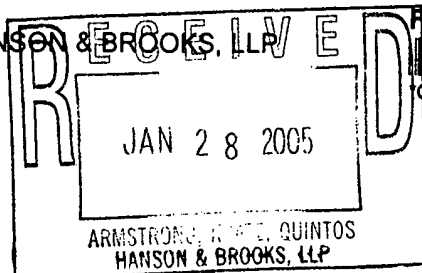
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/500,141	07/08/2004	3743	920	040243	34	20	2

CONFIRMATION NO. 1413

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ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006



FILING RECEIPT



OC000000014962937

Date Mailed: 01/26/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Toru Nishibayashi, Tokushima, JAPAN;
Shintaro Adachi, Tokushima, JAPAN;
Tetsuya Sato, Tokushima, JAPAN;

Assignment For Published Patent Application

OTSUKA PHARMACEUTICAL CO., LTD.

-- OTSUKA Techno Corporation --

Power of Attorney:

Daniel Geselowitz--42573

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP03/12866 10/08/2003

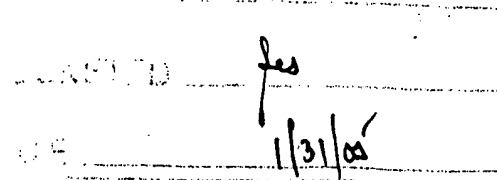
Foreign Applications

-- Japan 2002-298726 10/11/2002 --
-- Japan 2003-132034 5/9/2003 --

Projected Publication Date: To Be Determined - pending completion of Security Review

Non-Publication Request: No

Early Publication Request: No



Title

Powder inhalator

Preliminary Class

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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NOT GRANTED

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Docket No. 040243



ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP

Declaration for U.S. Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

POWDER INHALATOR

the specification of which is attached hereto unless the following is checked



was filed on July 8, 2004 as United States Application Number 10/500,141 or was filed on October 8, 2003 as PCT International Application Number PCT/JP03/12866 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a) - (d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application for which priority is claimed:

(List prior foreign applications. See note A on back of this page)	<u>2002-298726</u> (Number)	<u>Japan</u> (Country)	<u>11/10/2002</u> (Day/Month/Year Filed)	Priority Claimed <u>XX</u> Yes ___ No
	<u>2003-132034</u> (Number)	<u>Japan</u> (Country)	<u>09/05/2003</u> (Day/Month/Year Filed)	<u>XX</u> Yes ___ No
	_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	___ Yes ___ No
	_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	___ Yes ___ No

(See note B on back of this page)

___ See attached list for additional prior foreign applications

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(List Prior U.S.

Applications)

(Appln. Serial No.)

(Filing Date)

(Status: Patented, Pending, Abandoned)

I hereby appoint the following attorney(and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:



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PATENT TRADEMARK OFFICE

Please direct all communications to the following address:



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PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) NISHIBAYASHI Toru
Inventor's signature Toru Nishibayashi Date September 3, 2004
Residence Tokushima-shi, Tokushima 771-0136, Japan Citizenship Japan
Post Office Address Puretamezon Kawauchi 701, 190-1, Hiraishikoden, Kawauchi-cho,
Tokushima-shi, Tokushima 771-0136, Japan

Full name of second inventor (given name, family name) ADACHI Shintaro
Inventor's signature Shintaro Adachi Date September 3, 2004
Residence Itano-gun, Tokushima 771-0206, Japan Citizenship Japan
Post Office Address Ezansu Nakatani 101, 24-7, Aza Shozuizakai, Takabo,
Kitajima-cho, Itano-gun, Tokushima 771-0206, Japan

Full name of third inventor (given name, family name) SATO Tetsuya
Inventor's signature Tetsuya Sato Date September 3, 2004
Residence Itano-gun, Tokushima 771-0205, Japan Citizenship Japan
Post Office Address 8-3, Aza Sanomiya, Ejiri, Kitajima-cho, Itano-gun,
Tokushima 771-0205, Japan

U.S. ASSIGNMENT

IN CONSIDERATION of the sum of One Dollar (\$1.00), and of other good and valuable consideration paid to the undersigned inventor(s) (hereinafter ASSIGNOR) by

(Insert ASSIGNEE's
Name(s) Address(es))

1) OTSUKA PHARMACEUTICAL CO., LTD., and 2) OTSUKA TECHNO CORPORATION, of
1) 9, Kandatsukasa-cho 2-chome, Chiyoda-ku, Tokyo 101-8535, Japan; and
2) 115, Aza Kuguhara Tateiwa, Muya-cho, Naruto-shi, Tokushima 772-0017,
Japan

(hereinafter ASSIGNEE), the receipt of which is hereby acknowledged, the undersigned
ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the entire and exclusive right, title
and interest to the invention entitled:

(Title of Invention)

POWDER INHALATOR

(*If the assignment is
being filed after the
filing of the
application, this
section must be
completed)

for which application for Letters Patent of the United States was executed on even date herewith
unless otherwise indicated below:

* filed on _____, Serial No. _____.

(Armstrong, Kratz, Quintos, Hanson & Brooks, LLP is hereby authorized to insert the serial
code, serial number and/or filing date hereon, when known)

and all Letters Patent of the United States to be obtained therefor on said application or any
continuation, divisional, substitute, reissue or reexamination thereof for the full term or terms for
which the same may be granted.

The ASSIGNOR agrees to execute all papers necessary in connection with the application and any
continuation, divisional, reissue or reexamination applications thereof and also to execute separate
assignments in connection with such applications as the ASSIGNEE may deem necessary or
expedient.

The ASSIGNOR agrees to execute all papers necessary in connection with any interference,
litigation, or other legal proceeding which may be declared concerning this application or any
continuation, divisional, reissue or reexamination thereof or Letters Patent or reissue patent issued
thereon and to cooperate with the ASSIGNEE in every way possible in obtaining and producing
evidence and proceeding with such interference, litigation, or other legal proceeding.

IN WITNESS WHEREOF, the undersigned inventor(s) has (have) affixed his/her/their signature(s).

(Signatures)

<u>Toru Nishibayashi</u> (Signature)	<u>NISHIBAYASHI Toru</u> (Type Name)	<u>May 11, 2004</u> (Date)
<u>Shintaro Adachi</u> (Signature)	<u>ADACHI Shintaro</u> (Type Name)	<u>May 11, 2004</u> (Date)
<u>Tetsuya Sato</u> (Signature)	<u>SATO Tetsuya</u> (Type Name)	<u>May 11, 2004</u> (Date)
_____ (Signature)	_____ (Type Name)	_____ (Date)
_____ (Signature)	_____ (Type Name)	_____ (Date)
_____ (Signature)	_____ (Type Name)	_____ (Date)